IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CIVIL WRIT PETITION NO.2110/07

Surjeet Singh

Versus

The Chief Engineer, Bisalpur Project & Establishment, Jaipur & Ors.

DATE OF ORDER :: 04/04/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Ankur Rastogi, for petitioner

***

Instant petition has been filed by petitioner, who is working as UDC, has been transferred from Jodhpur to Pali vide order Ann.2 dated 15th February, 2007. The said order was assailed by filing appeal before the Tribunal, but the same has been dismissed vide order dated 28th February, 2007.

The basic contention of counsel for petitioner is that the Additional Chief Engineer, Quality Control, is the administrative authority and is alone competent to transfer. But, since the order of transfer has not been passed by the Additional Chief Engineer other than Quality Control, as such, is not competent to pass order impugned. Counsel further submits that in order Ann.3 dated 12th February, 2007, it has been mentioned by the respondents that person with longer stay is to be disturbed. According to him, in Para 6, he has made averment that respondent

No.3 came to Jodhpur in the month of April, 2003 and petitioner resumed at Jodhpur in the month of June, 2003, as such respondent No.3 was liable to be transferred.

I have considered the submission of the counsel and perused the material available on record.

None of the submission made has any merit consideration. So far as authority passed the order impugned is concerned, the Additional Chief Engineer is competent to transfer whether it is Quality Control or holding any other post, but once order has been passed by the Additional Chief Engineer, in my opinion, he is competent to transfer.

So far as longer stay is concerned, it appears that both of them came within a span of two months in 2003 and it is not a case of their inter se seniority and if the administrative authority in the facts of the instant case considered proper to transfer petitioner, I do not find any error committed while taking administrative decision.

However, transfer is an incident of service and it is for the authority to decide who is required to be transferred in the interest of administration.

Learned Tribunal has also considered the grievance raised by petitioner and found no justification to interfere.

I find no justification to interfere in the instant writ petition.

Consequently, the writ petition fails and is hereby dismissed.

[AJAY RASTOGI],J.

FRBOHRA,JR.P.A.